

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE	:	CHAPTER 13
	:	
CHESTER PAUL RAMAGOS, JR.,	:	CASE NO. 18-68410-LRC
	:	
Debtor.	:	
	:	
	:	
<hr/> SANTANDER CONSUMER USA	:	
INC.,	:	
	:	
Movant,	:	
	:	CONTESTED MATTER
v.	:	
	:	
CHESTER PAUL RAMAGOS, JR.,	:	
Debtor;	:	
and MELISSA J. DAVEY, Trustee,	:	
	:	
Respondents.	:	

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

COMES NOW Santander Consumer USA Inc. (the "Movant"), a creditor of the referenced Debtor, and hereby moves this Court to deny confirmation of Debtor's Chapter 13 Plan. In support of its objection, the Movant shows the Court as follows:

1.

On November 2, 2018, Chester Paul Ramagos, Jr. ("Debtor") filed a Voluntary Petition pursuant to 11 U.S.C. Section 1301 et seq., and said case is presently pending before this Court.

2.

Movant has a net claim in this case in the approximate amount of \$33,163.28 secured by a 2018 Nissan Maxima (the "Collateral").

3.

Debtor's Chapter 13 Plan fails to propose any treatment for Movant's secured claim of \$33,163.28. If Debtor intends to retain the vehicle, the proposed Plan must provide to either

pay Movant's claim in full at contractual interest of 20.27% and monthly payments of \$803.63, or surrender the Collateral.

4.

The specific terms of the proposed plan itself are not proposed in good faith in violation of 11 U.S.C. §1325(a)(3), as it does not provide treatment for Movant's claim. In doing so, Debtor fails to provide Movant with proper lien retention as stated in 11 U.S.C. §1325(a)(5)(B)(i)(I).

5.

Movant has no proof of full coverage insurance on the Collateral and is therefore not adequately protected.

WHEREFORE, the Movant prays that its Objection to Confirmation of Chapter 13 Plan be inquired into and sustained and that it has such other and further relief as this Court deems just and proper.

This January 4, 2019.

The Law Office of
LEFKOFF, RUBIN, GLEASON & RUSSO, P.C.
Attorneys for Movant

By: /s/Philip L. Rubin
Philip L. Rubin
Georgia State Bar No. 618525

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CERTIFICATE OF SERVICE

The undersigned, Philip L. Rubin, hereby certifies that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that I served the OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN on the following parties 1) electronically, if allowed by and pursuant to the requirements of local rule, or 2) by depositing same in the United States Mail in properly addressed envelope(s) with adequate postage to all others, as follows:

Chester Paul Ramagos, Jr.
1413 Preston Park Drive
Duluth, GA 30096

Howard P Slomka
Slipakoff & Slomka, PC
Overlook III - Suite 1700
2859 Paces Ferry Road, SE
Atlanta, GA 30339

Melissa J. Davey
Chapter 13 Trustee
Suite 200
260 Peachtree Street, NW
Atlanta, GA 30303

This January 4, 2019.

The Law Office of
LEFKOFF, RUBIN, GLEASON & RUSSO, P.C.
Attorneys for Movant

By: /s/Philip L. Rubin
Philip L. Rubin
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